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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of:

Francella Henderson

Filed: Mar 29, 2004

For: Diaper Construction

Group Art Unit: 3761

Examiner: Michele Kidwell

Serial No.: 10/811,383

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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED SEP. 14, 2005

Dear Sir or Madam:

This paper is responsive to the Office Action mailed September 14, 2005. In that Office Action the Examiner continued and made final rejection of all the claims under Section 103 as obvious in view of Roessler U.S. Patent No. 5,405,342.

In the Amendment filed May 6, 2005 (claim listing corrected August 1, 2005) Applicant had previously amended the claims to specify the outer garment diaper wrap was constructed of a textile fabric, and that the liquid absorbent biodegradable insert has geometry closely similar to the diaper wrap. Further, Applicant had argued that these were significant differences from the Roessler '242 patent, i.e.:

Claim 1 as revised requires a diaper wrap garment of a textile material that is nonbiodegradable and not flushable down the toilet; instead it can be reused repeatedly and even worn without the disposable insert if desired. Additionally, the shape of the disposable insert must be closely similar to the shape of the diaper wrap garment.